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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/748,405	12/21/2000	William E. Webler	1275.24US01	4564	
7590 04/05/2005			EXAMINER		
Mark A Hollingsworth			MAIORINO, ROZ		
CRAWFORD PLLC 1270 Northland Drvie			ART UNIT	PAPER NUMBER	
Suite 390			3763		
Mendota Heights, MN 55120			DATE MAILED: 04/05/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Enterwistor a time may be available under the provision of 37 CPR 1.19(s), in no event, however, may a reply be timely filed  the period for reply separation above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days, and the period for reply separation of reply is specified above, the maximum of a statutory part of will deply and will excens (30) MONTHS from the realing date of this communication of the period for reply within the set or extended period for reply with, by statutory part of will apply and will excens (30) MONTHS from the realing date of this communication.  Failure to reply within the set or extended period for reply will, by statution, part of will apply and will excens (30) MONTHS from the realing date of this communication.  Failure to reply within the set or extended period for reply will, by statution, part of the period of the period of the set of the communication.  Failure to reply within the set or extended period for reply will, by statution, part of the period of the period of the set of the communication.  Failure to reply within the set or extended period for reply will, by statution, and the set of the part of the period of the set of the period of			Application No.	Applicant(s)	Applicant(s)				
Roz Maiorino 3763  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified store is set law intrivity (30) days, a reply within the statutory minimum of theny (30) days will be considered limity.  If the period for reply specified store is set law intrivy (30) days, a reply within the statutory minimum of theny (30) days will be considered limity.  If the period for reply specified store is set law intrivy (30) days, a reply within the statutory minimum of theny (30) days will be considered limity.  If the period for reply specified store is set than intrivity (30) days, a reply within the statutory minimum of theny (30) days will be considered limity.  If the period for reply specified and the set of the communication.  If the period for reply specified and the communication.  If the period for reply specified store is set than the statutory reply residued by the Citics set than there months after the mailing date of this communication, even if timely field and considered limity.  Any reply residued by the Office is then there months after the mailing date of this communication, even if timely field, may reduce any search and set of the communication.  Any reply residued by the Office is an acceptant of the communication.  If the specific communication is condition for allowence except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  A) Claim(s) 1-145 is/are pending in the application on the day of the above claim(s) is size and 42-45 is/are rejected.  Claim(s) 1-19 21-41 is/are allowed.  Claim(s) 1-19 21-41 is/are allowed.  Claim(s) 1-19 21-45 is/are rejected.  Claim(s) 1-19 21-45 is/are rejected.  Claim(s) 1-19 21-45 is/are rejected.  Claim(s) 1-1	Office Action Summary		09/748,405	WEBLER, WILLIA	WEBLER, WILLIAM E.				
Provide for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time ray be switched under the provisions of 3 CPR 1.136(a). In no evert, however, may a reply be timely filled to the provisions of 3 CPR 1.136(a). In no evert, however, may a reply be timely filled the period for reply specified above. The maximum statutory pand will dispose (b) (MONTH) from the remailing date of this communication of the period for reply specified above. The maximum statutory pand will dispose (b) (MONTH) from the remailing date of this communication.  Failure to reply within the set or extended period for reply will, by switch or pand will stop and will explose (b) (MONTH) from the remailing date of this communication or part of the period for reply specified above. The maximum statutory pand will supply and will sept shift (b) (MONTH) from the remailing date of this communication.  Failure to reply within the set or extended period for reply will, by switch, cause the application to become ARAHOONED (35 U.S. 5, 133).  Status  1) Sepponsive to communication(s) filled on Q4 February 2005.  2a) This action is FINAL.  2b) This action is ron-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  A) Claim(s) 1-19, 21-41 is/are allowed.  (6) Claim(s) 1-19, 21-41 is/are allowed.  (6) Claim(s) 2-19, 21-41 is/are allowed.  (7) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) Acknowledgment is made of a claim for forei			Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time rays to available under the provisions of 37 CFR 1.15(s), in no event, however, may a raply be timely filed  - If the period to rely searched above, the maximum statutory principle under the statutory minimum of thiry (30) days will be considered timely.  - If the Openod for rely is specified above, the maximum statutory principle under size (8) MONTHS from the mailing date of this communication.  - Failute to principle under additional time and statutory principle under size (8) MONTHS from the mailing date of this communication.  - Failute to principle under the statutory minimum of thiry (30) days will be considered timely.  - If NO period for rely is specified above, the maximum statutory principle under the statutory minimum of thiry (30) days will be considered timely.  - If NO period for rely is specified above, the maximum statutory principle under the statutory minimum of thiry (30) days will be considered timely.  - If NO period for rely is specified above, the maximum statutory principle under the statutory minimum of thiry (30) days will be considered timely.  - If NO period for rely is specified above, the maximum statutory principle under the statutory minimum of thiry (30) days will be considered.  - If NO period for rely is specified above, the maximum statutory principle under the statutory minimum of thiry (30) days will be considered.  - If NO period for rely is specified above, the maximum statutory principle under the specified of the constitution of the specified of the specified of the condition of the specified of the condition of the specified on the specified on the specified on the specified above, the maximum statutory principle under specified and specified above, the maximum statutory principle under specified and specified under the specified above, the maximum statutory principle under specified under the specified under the specified under the sp	•	•							
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3 CFR 1.13(a). In or event, however, may a reply be timely filed after SIX (8) MONTHS from the realing date of this communication. and state of the communication of the communicatio	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
1)⊠ Responsive to communication(s) filed on 04 February 2005.  2a)□ This action is FINAL.  2b)☑ This action is non-final.  3 □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4 □ Claim(s) 1-45 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5 □ Claim(s) 1-19, 21-41 is/are allowed.  6 □ Claim(s) 20 and 42-45 is/are rejected.  7 □ Claim(s) is/are objected to.  8 □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9 □ The specification is objected to by the Examiner.  10 □ The drawing(s) filed on is/are: a)□ accepted or b)□ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11 □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12 □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * ○ □ None of:  1 □ Certified copies of the priority documents have been received in Application No  3 □ Copies of the certified copies of the priority documents have been received in Application No  3 □ Copies of the certified copies of the priority documents have been received in Application No  4) □ Information iblicature Statement(s) (PTO-144) or PTO-5808)  Attachment(s)  1) □ Notice of References Cited (PTO-892)  2) □ Notice of Information Patent Application (PTO-152)	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any								
2a) This action is FINAL.  2b) This action is non-final.  3   Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-45 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-19, 21-41 is/are allowed.  6) Claim(s) 20 and 42-45 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  Attachment(e)  1) Notice of Partsperson's Patent Drawing Review (PTO-948)  3) Information bisclosure Statement(s) (PTO-1449 or PTO/SB08)	Status								
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#### **DETAILED ACTION**

# Allowable Subject Matter

1. Claims 1-19, 21-41 are allowed.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 20, 42-45 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S Patent No.6120500 to Bednarek et al.

Bednarek apparatus comprises of a elongated shaft, with a proximal and distal sections, first lumen a distal which has an opening providing exterior access to, and in fluid communication with the first lumen and which is oriented at an angle (J-shaped) with respect to a longitudinal axis of the shaft; as well as, a guide member within the shaft, and a stabilizing member 16 deployable outside the tubular, with an electrical connector to the proximal portion of the shaft. The elongated shaft consists of multiple lumens.

### Response to Arguments

3. Applicant's arguments filed 2/4/05 have been fully considered but they are not persuasive. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

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(i.e., a catheter with a first opening in the distal shaft to facilitated advancement of a guide member through the first opening and a second opening in the distal shaft section to configure to facilitated advancement of a stabilizing member through the second opening) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roz Maiorino whose telephone number is 571- 272-4960. The examiner can normally be reached on 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4377. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3763

RM

Wilm

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